

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD DALE STAMPKA,

Defendant.

**CR-17-16-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 13, 2021. (Doc. 258.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 12, 2021. (Doc.253.) The United States accused Stampka of violating his conditions of supervised release 1) by committing another crime; and 2) by using methamphetamine. (Doc. 250.)

At the revocation hearing, Stampka admitted that he had violated the conditions of his supervised release by using methamphetamine. Stampka did not admit or deny alleged violation<sup>1</sup>. The Court dismissed alleged violation 1 on the government's motion. (Doc. 253.) Judge Johnston found that the violation Stampka admitted proved to be serious and warranted revocation, and recommended that Stampka receive a custodial sentence of 3 months, with no supervised release to follow. Stampka was advised of the 14 day objection period and his right to allocute before the undersigned. He waived those objections. (Doc. 253.)

The violation proves serious and warrants revocation of Stampka's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 258) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Richard Dale Stampka be sentenced to a period of custody of 3 months with no supervised release to follow.

DATED this 13th day of January, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court